THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18746 of 2005

Dated:01.11.2006

Between
M.Padmavathi

.....Petitioner

and

1.The Registrar of Cooperative Societies,
Eluru, West Godavari District
and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.18746 of 2005

ORDER:

It appears that husband of the petitioner obtained loan of Rs.1,00,000/- mortgaging the immovable property. Since he has not repaid the same, arbitration proceedings under Section 61 of the Andhra Pradesh Cooperative Societies Act (for short 'the Act') were initiated and the Arbitrator passed an award dated 30.4.2001 after giving due notice to the husband of the petitioner. Pursuant to the award, EP proceedings were taken up and the mortgaged property was sought to be sold. Aggrieved by the same, the present writ petiton is filed.

There is no necessity to go into all the details. It is suffice to notice that husband of the petitioner died on 21.8.2000 and the proceedings under Section 61 of the Act were concluded on 30.4.2001, on the basis of which, EP proceedings were initiated.

I am of the opinion that against a dead person,

no award could have been passed by the Arbitrator under Section 61 of the Act. On this ground alone, the writ petiton is liable to be allowed and the award dated 30.4.2001 passed by the Arbitrator under Section 61 of the Act is liable to be set aside.

Accordingly, the writ petition is allowed and the award passed by the Arbitrator is set aside, leaving liberty to the respondents to conduct fresh inquiry into the matter, as per law after issuing notice to all the interested parties and hearing them.

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1-11-2006

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